



State of Arizona  
Department of Education

Tom Horne  
Superintendent of  
Public Instruction

**SPED 03-33**

## MEMORANDUM

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To: Superintendents  
Charter Holders  
Directors of Special Education  
Directors of Approved Private Special Education Programs

From: Lynn Busenbark, Ph.D.  
Director of Program Support  
Exceptional Student Services

Date: June 24, 2003

Subject: State Board Rules

On May 19, 2003, the State Board of Education approved changes to the rules that govern special education in Arizona. A copy of these changes is attached to this memorandum. You may also access the rules on the web at [www.ade.az.gov/ess](http://www.ade.az.gov/ess).

The rules are currently at the Office of the Attorney General for certification. The new rules will be in effect after certification by the A.G. and publication by the Secretary of State. However, one of the changes made to the rules is enforceable now under federal requirements. You will find the requirement in R7-2-401 (I)(2). It reads:

“Parents shall be fully informed about the requirements of IDEA 300.127, including an annual notice of the policies and procedures that the PEA must follow regarding storage, disclosure to a 3<sup>rd</sup> party, retention, and destruction of personally identifiable information.”

While this rule is not different from current practice, the Office of Special Education Programs (OSEP) required it to be inserted into rule language in order for the State to continue to be eligible for IDEA funding. The Arizona Department of Education (ADE) has offered assurance to OSEP that we are enforcing the requirement.

ADE will notify you as soon as the other rules are in effect and enforceable.